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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/211,730	12/15/1998	KEITH C. THOMAS	450.241US1	9527
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24333 7590 05/24/2002

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EXAMINER

PHAM, ROBERT T

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 05/24/2002

24

Please find below and/or attached an Office communication concerning this application or proceeding.

24

Office Action Summary

Application No.

09/211,730

Applicant(s)

THOMAS, KEITH C.

Examiner

Robert T Pham

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2 & 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-3, 6-8, 10-11, 13-14, 16-17, 19-21, 24-25, 27-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Williams U.S. Patent 5,977,964.

Regarding claim 1, Williams discloses an apparatus for controlling access to information, wherein:

“a video display” shown in Figure 1 (102), and described in column 3, line 51.

“a user-recognition input device” shown in Figure 1 (118, 120), Figure 7 (706), and described in column 11, lines 2-21.

"a control device" shown in Figure 1 (104) and Figure 7 (704), and described in column 10, lines 55-65, and column 15, lines 44-63.

Regarding claims 2, 10, 16, 20, 27, Williams discloses a user-recognition imaging apparatus and method, as described in column 11, lines 12-21, Figure 2 (NEW USERS DETECTED?), and column 12, lines 29-44.

Regarding claims 3, 11, 17, 21, 28, Williams discloses a user-recognition audio apparatus and method, as described in column 11, lines 2-12, Figure 2 (NEW USERS DETECTED?), and column 12, lines 29-44.

Regarding claim 6, Williams discloses a control device selects predetermined channels based on a determination by the user-recognition device, as described in column 10, lines 61-65, and column 11, lines 22-48.

Regarding claims 7, 13 and 24, Williams discloses an apparatus and method for controlling access to information, wherein:

"a video display" shown in Figure 1 (102), and described in column 3, line 51.

"a user-recognition input device" shown in Figure 1 (118, 120), and Figure 7 (706), and described in column 11, lines 2-21.

"a memory" shown in Figure 7 (716), and described in column 15, lines 44-63.

"a processor" shown in Figure 1 (104), and described in column 10, lines 55-65, column 15, lines 44-63.

"a blocking device coupled to the processor" also reads on Figure 7 (108), and described in column 10, lines 61-65, and column 15, lines 44-63.

Regarding claims 8, 14 and 25, Williams discloses the video content including television programming, as shown in Figure 1 (102), and described in column 4, lines 33-36.

Regarding claim 19, Williams discloses an apparatus and method for controlling access to information based on content and user identity, wherein:

“outputting the information” shown in Figure 1 (102), and described in column 3, lines 48-58.

“determining that an additional user is newly present” shown in Figure 2 (NEW USERS DETECTED?), and described in column 12, lines 29-44.

“selectively blocking output of the information” shown in Figure 7 (708), and described in column 10, lines 61-65, and column 15, lines 44-63.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 4, 12, 18, 22 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Williams, in view of Lu U.S. Patent 5,771,307.

Williams discloses an apparatus and method, as claimed.

Williams does not disclose the use of a movement detection device.

Lu discloses a system, wherein user-recognition device in a viewing area comprising a motion sensor, as shown in Figure 1 (30), and described in column 8, lines 52-63.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Williams to include a motion sensor, as disclosed by Lu, to increase reliability, and accuracy of detection of viewers entering or leaving the viewing area.

5. Claims 5 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Williams, in view of Wachob U.S. Patent 5,231,494.

Williams discloses an apparatus and method, as claimed.

Williams does not disclose that priority is assigned to user and display is based on user's priority.

Wachob discloses a targeted ads insertion system, wherein, based on viewers characteristics in a viewing area, a prioritization algorithm is executed to determine which viewer among a plurality of viewers has priority so that a proper ads display is generated, as described in column 5, lines 63-67, and column 6, lines 1-3.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Williams to include a prioritization algorithm, as disclosed by Wachob, but instead of generating ads, apply it to assist parents in controlling viewing content in the presence of their children.

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6. Claims 9, 15 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Williams, in view of Kipust U.S. Patent 6,002,427.

Williams discloses an apparatus and method, as claimed.

Williams does not disclose that the video content includes computer-displayed text or graphics.

Kipust discloses an apparatus and method for controlling access to information, wherein the content is computer-displayed text or graphics, as shown in Figure 1 (102, 104, 116, 118), and described in column 3, lines 40-54, column 4, lines 1-28, 64-67, and column 5, lines 1-6, 44-57.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Williams to include controlling access to computer-displayed text and graphics, to assist parents in controlling their children access to Internet contents.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

McRae U.S. Patent 6,115,079 discloses a programmable video channel controller

Bradshaw U.S. Patent 6,065,056 discloses a system to control content and prohibit certain interactive attempts by a person using a personal computer.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert T Pham whose telephone number is 703-305-4810. The examiner can normally be reached on M-F 7:30-5; every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on 703-305-4380. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-308-6606 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-9700.



ANDREW FAILE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

Robert Pham
April 10, 2002